

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Brooklyn Blankenship,

Case No. 3:23-cv-149

Plaintiff,

v.

ORDER

Commissioner of Social
Security Administration,

Defendant.

Before me is the Report & Recommendation (“R & R”) of Magistrate Judge Thomas M. Parker. (Doc. No. 4). Judge Parker recommends I deny Plaintiff Brooklyn Blankenship’s motion to proceed *in forma pauperis*. (*Id.*). Blankenship timely filed objections to the R & R. (Doc. No. 5).

A district court must conduct a *de novo* review of “any part of the magistrate judge’s disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3).

Judge Parker concluded Blankenship had sufficient financial resources to pay the court’s \$402 filing fee because, “[a]lthough Blankenship earns no income, her spouse’s monthly income [\$2,560] exceeds their household’s monthly expenses [\$1,961]” and “[a]fter deducting household expenses, Blankenship’s net household income (\$599) is sufficient to cover the filing fee.” (Doc. No. 4 at 1-2). Judge Parker also noted that \$542 of Blankenship’s \$1,961 in monthly expenses were spent on recreation and entertainment, “which could be utilized for at least one month to cover the filing fee.” (*Id.* at 3).

Blankenship objected to Judge Parker's R & R because Judge Parker analyzed her net household income based on Blankenship's spouse's gross income rather than his net income. (Doc. No. 5). But she does not state her husband's net income in her objections. Blankenship also does not attempt to explain why the \$542 in monthly recreation and entertainment expenses could not be utilized for at least one month to cover the filing fee instead, as suggested by Judge Parker.

While I appreciate that Blankenship's household's net monthly income may be less than \$599, I agree with Judge Parker and conclude paying the filing fee would not deprive Blankenship or her household of the basic necessities of life. *See Adkins v. E.I. DuPont de Nemours, Inc.*, 335 U.S. 331, 339 (1948). Therefore, I overrule Blankenship's objection and adopt Judge Parker's R & R. Blankenship's motion to proceed *in forma pauperis* is denied. (Doc. No. 2). She shall pay the full filing fee of \$402 within 30 days of this Order or the case will be dismissed.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge